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GENERAL ASSEMBLY
Forty-fifth session
Item 30 of the provisional agenda*
CO-OPERATION BETWEEN THE UNITED NATIONS
AND THE ORGANIZATION OF AFRICAN UNITY

SECURITY COUNCIL
Forty-fifth year

Letter dated 11 September 1990 from the Permanent Representative of
Nigeria to the United Nations addressed to the Secretary-General

I have the honour to forward you herewith texts of statements issued by the Fifth Session of the OAU Ad Hoc Committee of Heads of State and Government on Southern Africa on the situation in Liberia and on South Africa.

I wish, on behalf of the group of African States at the United Nations, to request you to circulate both statements as official documents of the General Assembly, under item 30 of the provisional agenda, and of the Security Council.

(Signed) Ibrahim A. GAMBARI
Ambassador/Permanent Representative
of Nigeria to the United Nations
Chairman of the African Group for
the month of September

* A/45/150 and Corr.1.

ANNEX I

Statement of the Ad Hoc Committee of Heads of State
and Government on Southern Africa on the situation
in Liberia, issued on 8 September 1990

1. The OAU Ad Hoc Committee of Heads of State and Government on Southern Africa, meeting at Kampala, Uganda, on 8 September 1990, took the opportunity of their fifth session to review the grave situation prevailing in Liberia.
2. The Ad Hoc Committee expressed grave concern at the continuing conflict with the attendant suffering including enormous loss of human lives and destruction of property. It called upon the warring factions to respect the sanctity of human life and to put to an immediate end the wanton and indiscriminate killings now going on.
3. The Ad Hoc Committee took note of the efforts made by the Economic Community of West African States (ECOWAS) aimed at bringing an end to the conflict, including the deployment of an ECOWAS Monitoring Group (ECOMOG). The Ad Hoc Committee called upon all the warring factions to observe an immediate cease-fire and to co-operate with ECOWAS in bringing about the normalization of the situation by ensuring an end to violence and restoration of peace and stability and thus facilitating an atmosphere conducive to a peaceful transition to an elected Government.
4. The Ad Hoc Committee equally expressed grave concern at the human tragedy resulting from the continued fighting. In particular, the Committee was gravely concerned at the hundreds of thousands of innocent civilians who have been rendered refugees or displaced, the imminent mass starvation, and the lack of basic needs, including medicines as needing immediate attention. In this respect, the Ad Hoc Committee reiterated the appeal launched by the ECOWAS Monitoring Group to African countries and the international community at large for urgent humanitarian assistance to the people of Liberia. The needs of the Liberian people are basic and very urgent and it is the hope of the Ad Hoc Committee that the international community would give this serious unfolding human tragedy the priority it merits.
5. The Ad Hoc Committee noted with appreciation the role played by the Current Chairman of the OAU, President Yoweri Museveni, in support of efforts of ECOWAS in the search for a solution to the Liberian conflict.

ANNEX II

The Kampala Communiqué of the OAU Ad Hoc Committee
on Southern Africa, issued on 8 September 1990

1. The fifth session of the Ad Hoc Committee of Heads of State and Government on Southern Africa of the Organization of African Unity met at the invitation of the Current Chairman, His Excellency President Yoweri Museveni in Kampala, Uganda, on 8 September 1990, to review recent developments in South Africa since its last session held in Lusaka, Zambia, on 19 March 1990.

2. Present at the meeting were the following Heads of State:

Uganda: H.E. Mr. Yoweri Museveni
(Current Chairman of the OAU)

Ethiopia: H.E. Comrade Mengistu Haile Mariam

Zambia: H.E. Dr. Kenneth Kaunda

The following other members of the Committee were present:

Algeria: H.E. Mr. Sidi Said Hamid
Minister of Health

Angola: H.E. Mr. Pascoal Luvualu
Member of the Political Bureau
of MPLA Workers Party and
Secretary-General of UNTA
(Trade Union)

Botswana: The Honourable P. S. Musi
Vice-President

Cape Verde: H.E. Mr. Antonio Pedro Lima
Secretary of State for Foreign
Affairs and Immigration

Congo: H.E. Mr. Antoine Ndinga-Oba
Minister of Foreign Affairs and
International Co-operation

Egypt: H.E. Dr. Boutros Boutros Ghali
Minister of State for Foreign Affairs

Mozambique: H.E. Mr. Manuel Dos Santos
Deputy Minister of Foreign Affairs

Namibia: H.E. Mr. Hage G. Geingob
Prime Minister

Nigeria: H.E. Major General I. O. S. Nwachukwu
Minister of External Affairs

United Republic of Tanzania: Hon. Benjamin N. Nkapa
Minister for Foreign Affairs

Zimbabwe: H.E. Dr. N. Shamuyarira
Minister of Foreign Affairs

National liberation movements

ANC: Comrade Nelson Mandela

PAC: Comrade Johnson Mlambo

3. While the Ad Hoc Committee noted that during the period under review, certain measures in the right direction had been taken by the apartheid régime, it was of the view that even these were too few and ineffectual in terms of fulfilling the conditions stipulated in the Harare Declaration and United Nations consensus Declaration (General Assembly resolution S-16/1). These measures were limited to the lifting of the State of Emergency in three of the country's four provinces and the withdrawal of troops from some townships. The Committee noted that the State of Emergency remained in force in Natal; and even in those provinces where it was no longer in force, the existence of repressive legislation continued to severely restrict political activity. Further, repressive troops not only remained stationed in Natal but it appeared they continued to operate in some townships in other provinces. The majority of political prisoners and detainees had not been freed; and the continued existence of security legislation had had the effect of restricting the very organizations and persons which the régime claimed to have unbanned or removed restrictions from. Indeed, as had been stressed by the Ad Hoc Committee itself in the Lusaka Statement, the structures of apartheid and the myriad of apartheid Laws which held them together remained intact. The South African apartheid régime had not conceded the principle of majority rule nor that the new South Africa should be a united, democratic and non-racial society. In essence, little of substance had been achieved.

4. The Ad Hoc Committee had accordingly reaffirmed the conclusion contained in the report of its Monitoring Group that:

"There has not been any fundamental or irreversible change in South Africa. The so-called changes which have led some members of the international community to believe that pressures should be relaxed vis-à-vis the Apartheid régime, fall far short of justifying that belief."

5. The Ad Hoc Committee recalled in this connection that in the United Nations Declaration, the international community had committed itself to ensure that

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existing measures aimed at encouraging the South African régime to eradicate apartheid would not be relaxed until "the system of apartheid in South Africa has been eradicated and South Africa has been transformed into a united, democratic and non-racial country".

6. The Ad Hoc Committee was indeed of the view that until the régime complied with the conditions contained in the United Nations and Harare Declarations for the creation of a climate conducive to negotiations, the international community should, at the very least, maintain the present pressures and sanctions as a means of ensuring the full and immediate implementation of the Harare Declaration and United Nations consensus Declaration.

7. In this connection the fifth session of the Ad Hoc Committee commended the Monitoring Group for its comprehensive report and reaffirmed the urgent need for all member States of the organization, as stressed by the last session of the Assembly of Heads of State and Government, the highest political body of the organization, to maintain the African position on the isolation of the apartheid régime and the maintenance of sanctions. Consequently, the Ad Hoc Committee strongly recommended that this position be maintained during the resumed and forthcoming General Assembly session in September 1990.

8. The Ad Hoc Committee condemned the destructive wave of violence as it equally condemned the role of the South African police for its encouragement and active involvement in the violence being perpetrated by Inkatha. The Ad Hoc Committee affirmed that the South African régime, for the time being responsible for the maintenance of law and order in the country, cannot be exonerated from responsibility for these wanton killings and destruction.

9. The Ad Hoc Committee called upon the international community to exert pressure on the apartheid régime to take swift and appropriate measures to put an end to the increasing acts of violence and terrorism perpetrated by the right wing elements of the white community.

10. The Ad Hoc Committee also considered the distressing situation caused by the violent, destructive conflict among the black people in South Africa and appealed to them to close their ranks and present a united front. The Ad Hoc Committee viewed this violence with grave concern and underscored the fact that this situation, if allowed to continue, would be detrimental to the anti-apartheid struggle.

11. The Ad Hoc Committee commended the African National Congress for its initiative in calling for talks with the régime, resulting thus far in the meetings of 2 to 4 May 1990 and 6 August 1990. It expressed the hope that the outcome of these talks would lead to the removal of all obstacles to negotiations, thus facilitating the commencement of substantive negotiations. It called upon all the anti-apartheid forces to co-ordinate their positions, and in a cohesive and united manner to pursue the negotiations with the objective of arriving at an agreement which would guarantee the establishment of a non-racial, democratic and united South Africa.

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12. The Ad Hoc Committee called for increased assistance to the national liberation movements to facilitate their re-establishment in South Africa and to enhance their prosecution of the struggle.

13. The Ad Hoc Committee expressed their deep and sincere gratitude to the Current Chairman of the Organization of African Unity, H.E. President Yoweri Museveni, to the Government and people of Uganda for the warm and fraternal welcome and the generous hospitality extended to all delegations to the Meeting.



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THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 5 September 1990 from the Permanent Representatives of
Japan and the Union of Soviet Socialist Republics to the United
Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of the Joint Statement by the Union of Soviet Socialist Republics and Japan on the situation in the Gulf region issued on 5 September 1990.

We should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under item 35 of the provisional agenda, and of the Security Council.

(Signed) Yoshio HATANO
Permanent Representative of Japan
to the United Nations

(Signed) Yuliy M. VORONTSOV
Permanent Representative of the
Union of Soviet Socialist Republics
to the United Nations

* A/45/150 and Corr.1.

ANNEX

Joint statement on the situation in the Gulf region issued
on 5 September 1990 by Japan and the Union of Soviet
Socialist Republics

Mr. Taro Nakayama, Foreign Minister of Japan, and
Mr. Eduard Amvrosievich Shevardnadze, Foreign Minister of the Union of Soviet
Socialist Republics, express their deep concern over the Iraqi invasion of Kuwait,
which is a serious breach of world peace and security.

Both Ministers share the recognition that the above-mentioned act and the
annexation of Kuwait by Iraq are unlawful deeds contravening the basic principles
of the Charter of the United Nations and the established rules of international
law, namely that all States should refrain from the threat or use of force against
the territorial integrity or political independence of any State. The two
Ministers strongly call for the immediate withdrawal of the Iraqi forces from
Kuwait and the swift restoration of the sovereignty, independence and territorial
integrity of Kuwait.

Today, when ways are being explored to build a new international order towards
the twenty-first century in the historical context of the affirmative changes
taking place in East-West relations, the two Ministers share the view that making
collective efforts and fully utilizing the various functions of the United Nations
for the solution of a regional conflict like this will prove that the international
community will be able to secure peace and stability in the future.

From the above point of view, the two Ministers, recognizing the importance of
the resolutions adopted by the United Nations Security Council with regard to the
situation in the Gulf region, consider that it is indispensable for all the States
to co-operate in appropriate ways for the immediate and complete implementation of
these resolutions.

The two Ministers express their grave concern about the conditions of the
foreigners detained in Iraq and Kuwait in contravention of the obligation that
arises from international law and the norms of human rights, and strongly call for
the related resolutions of the United Nations Security Council to be implemented so
that Iraq makes it possible for these foreigners to leave freely for their home
countries without any delay. They strongly request Iraq to remove the obstacles
that prevent the diplomatic and consular missions in Kuwait from executing their
functions, and to refrain from any act that violates their status and immunities.

The two Ministers request Iraq to observe the Charter of the United Nations
and the established rules of international law, and immediately take the measures
set forth in the United Nations Security Council resolutions.



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REVIEW OF THE IMPLEMENTATION OF THE RECOMMENDATIONS AND DECISIONS ADOPTED BY THE GENERAL ASSEMBLY AT ITS TENTH SPECIAL SESSION

Advisory Board on Disarmament Matters

Report of the Secretary-General

1. Pursuant to section III of General Assembly resolution 37/99 K of 13 December 1982, the Advisory Board has the following functions:

(a) To advise the Secretary-General on various aspects of studies and research in the area of arms limitation and disarmament carried out under the auspices of the United Nations or institutions within the United Nations system, in particular on the integration of a programme of such studies with a comprehensive programme of disarmament, once this had been established;

(b) To serve as the Board of Trustees of the United Nations Institute for Disarmament Research (UNIDIR);

(c) To advise the Secretary-General on the implementation of the World Disarmament Campaign;

(d) At the specific invitation of the Secretary-General, to provide him with advice on other matters within the area of disarmament and arms limitation.

2. In resolution 38/183 O of 20 December 1983, the General Assembly, inter alia, requested the Secretary-General to report annually on the work of the Advisory Board on Disarmament Studies. In 1989, the Secretary-General decided to make a number of changes in the functioning of the Board, so as to facilitate a broader interpretation of the Board's existing mandate and to permit the Secretary-General to draw on the accumulated experience and wisdom of the Board for advice on matters within the area of arms limitation and disarmament. The title of the Board was also modified to "Advisory Board on Disarmament Matters".

3. The Board held its twenty-first session from 19 to 24 July in New York, under the chairmanship of Ambassador Ryukichi Imai of Japan. The chairmanship of the Board rotates annually. The present membership of the Board is shown in the annex. The terms of office of the members will run to 31 December 1990.

4. The Board was informed of the status of a number of recently completed or ongoing studies on disarmament issues being carried out by groups of experts on behalf of the Secretary-General. With the exception of the study on ways and means of promoting transparency in international transfers of conventional arms, the report on which will be made to the General Assembly at its forty-sixth session, in 1991, the other reports are due to be submitted to the Assembly at its forty-fifth session.

5. The Board's deliberations on the subject of the implementation of the World Disarmament Campaign are reflected in the Secretary-General's report on the implementation of the programme of activities of the Campaign in 1990 (A/45/565). In its capacity as Board of Trustees of UNIDIR the Advisory Board considered and approved the report of the Director of UNIDIR on the Institute's activities in 1989/90 and the research programme and proposed annual budget for 1991. An account of the Board's deliberations is contained in document A/45/392, annex II, including the Board's recommendation of a subvention from the regular budget of the United Nations amounting to \$220,000 for 1991. The Board emphasized the importance of continuing in the future the annual subvention from the regular budget of the United Nations and the need to maintain the other support arrangements at their current level.

6. Meeting in closed informal session, the Board discussed the implications for the United Nations in the area of security, arms limitation and disarmament of the developments and changes in the international situation that have occurred in recent months. The nature of the Board's discussions was subsequently reflected, in response to the Secretary-General's request, in a personal report to him by the Chairman.

ANNEX

Members of the Advisory Board on Disarmament Matters

Mr. Oluyemi Adeniji
Ambassador of Nigeria to France
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Mr. Léon Bouvier
Ambassadeur de France

Mr. Omran El-Shafei
Ambassador
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Mr. Alfonso Garcia Robles
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Mr. Ignac Golob
Ambassador of Yugoslavia to Mexico
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Vice-Minister
Ministry of Foreign Affairs
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Chairman, Islamabad Council on World Affairs
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Mr. Tadeusz Strulak
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Permanent Representative of Poland to the United
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Vienna, Austria

Ms. Maj Britt Theorin
Ambassador
Chairman of the Swedish Disarmament Delegation
Ministry for Foreign Affairs
Stockholm, Sweden

Mr. Milos Vejvoda
Prague, Czechoslovakia

Mr. Jayantha Dhanapala, Director of UNIDIR, is an ex officio member of the Advisory Board when acting in its capacity as the Board of Trustees of UNIDIR



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CO-OPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION OF AMERICAN STATES

Report of the Secretary-General

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* A/45/150 and Corr.1.

I. INTRODUCTION

1. On 17 October 1988, the General Assembly adopted resolution 43/4 on co-operation between the United Nations and the Organization of American States (OAS), in which the Assembly, inter alia, invited the Secretary-General to continue taking the necessary measures for promoting and expanding co-operation and co-ordination between the United Nations and OAS in order to increase the capacity of the two organizations for the attainment of their common objectives.
2. The General Assembly recommended that a general meeting should be held between representatives of OAS and of the United Nations and other organizations of the United Nations system, on a date and at a place to be determined, for the purpose of holding consultations on projects, measures and procedures which would facilitate and broaden co-operation between those organizations. The Assembly also recommended that in 1989 local meetings should be promoted between resident representatives of the two organizations, in each country which is a member of both organizations, in consultation with the national authorities of those countries.
3. On 19 November 1988, the eighteenth regular session of the General Assembly of OAS adopted a similar resolution (AG/Res.941 (XVIII-0/88)) on co-operation between the Organization of American States and the United Nations.
4. On 14 February 1989, letters transmitting resolution 43/4 and outlining the arrangements for its implementation were sent, on behalf of the Secretary-General, to the organizations within the United Nations system.
5. By note verbale dated 10 May 1989, the Secretary-General transmitted the text of the above resolution to the Governments concerned and requested their support for and co-operation in the arrangements proposed for the implementation of the resolution.
6. The present report outlines the measures taken to implement the provisions of resolution 43/4.

II. CONSULTATIONS AND EXCHANGE OF INFORMATION

7. The Secretary-General of the United Nations and the Secretary-General of OAS, and their representatives, continued to co-operate on issues related to the situation in Central America and on other matters of mutual interest to the two organizations. A specific area of major importance was the co-ordination of the activities of the missions of both organizations in the verification of the electoral process in Nicaragua from August 1989 to February 1990 (A/44/642, A/44/834, A/44/917, A/44/921 and A/44/927).
8. They also collaborated on the procedures established by the Summit Meetings of Central American Presidents, of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, held at Tela, Honduras, from 5 to 7 August 1989. At those meetings, the Presidents approved, inter alia, "the Joint Plan for the voluntary demobilization,

repatriation or relocation in Nicaragua or third countries of the members of the Nicaraguan resistance and their families, as well as assistance for the demobilization of all those involved in armed actions in the countries of the region when such persons voluntarily request it". Under the provisions of the Joint Plan, the Secretary-General of the United Nations and the Secretary-General of the Organization of American States, through their representatives, established the International Support and Verification Commission (CIAV) as a machinery for the purposes of the execution and implementation of the Plan. Another major endeavour was CIAV's involvement in the demobilization of the irregular forces of the Nicaraguan Resistance, the military aspects of the process being implemented by the United Nations Observer Group for Central America. The tasks of repatriation and support for the demobilized ex-combatants and their families were divided between CIAV/UN and CIAV/OAS, with the United Nations High Commissioner for Refugees acting as the operational area representative of the former. 1/

9. In addition, OAS is represented on the Support Committee and the Policies and Projects Committee of the Special Plan of Economic Co-operation for Central America (PEC) established by General Assembly resolution 42/231 of 12 May 1988, 2/ and has participated in arrangements for the implementation of the special plan throughout 1989 and 1990. In that connection, the Assistant Secretary-General of OAS visited New York in February 1990 to attend a meeting of PEC. The occasion provided an opportunity for the Assistant Secretary-General of OAS and the Under-Secretary-General of the Department for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship to review the progress made at the country level meetings and for the discussion of plans for the proposed regional meeting.

10. At the invitation of OAS, a delegation from the United Nations Secretariat attended, as observers, the nineteenth and twentieth regular sessions of the General Assembly of OAS held at Washington, D.C., from 13 to 18 November 1989, and at Asunción, from 4 to 8 June 1990, respectively.

11. Representatives of both organizations and their associated institutions have exchanged information and co-operated on matters of mutual interest.

III. FOLLOW-UP ACTION ON THE IMPLEMENTATION OF RESOLUTION 43/4

12. By an exchange of letters in January 1989, between the Under-Secretary-General for SPQRCDT and the Secretary-General of the OAS, an agreement was reached whereby the meetings at the national level, referred to in paragraph 4 of resolution 43/4, would precede the general meeting between the representatives of OAS and the United Nations and other organizations of the United Nations system, for the purpose of holding consultations on projects, measures and procedures which would facilitate and broaden co-operation between those organizations.

13. A preliminary meeting was held, at OAS Secretariat on 6 April 1989, between the Secretary-General of OAS, the Associate Administrator and Director of the Regional Bureau for Latin America and the Caribbean of the United Nations Development Programme and senior officials of SPQRCDT to discuss the implementation

of resolution 43/4. It was agreed that the first phase in the implementation process would constitute the holding of country meetings between the resident representatives of the the United Nations and of the OAS system in each country, in consultation with the national authorities concerned. The second phase of the implementation process would be the convening of a general meeting between representatives of OAS and of the United Nations system.

14. Following discussions between the Under-Secretary-General for SPQRCDT and the Assistant Administrator and Director of the Regional Bureau for Latin America and the Caribbean, arrangements were made for each UNDP resident representative in the countries concerned to meet with their OAS counterparts for the purpose of consulting on projects, measures and procedures which would facilitate and broaden co-operation between the two organizations.

15. The OAS issued similar instructions to its representatives in member countries to make the necessary contacts with their United Nations counterparts, as well as with the national authorities with a view to convening the local meetings provided for in both resolutions.

16. Consultations on the implementation of phase one of the process have taken place throughout 1989 and 1990 both at headquarters and field levels. Local level meetings, specifically organized under the terms of resolution 43/4, were held in 17 countries.

17. On 14 February 1990, consultations were held between representatives of the United Nations, UNDP and OAS at United Nations Headquarters to review the reports of the local level meetings, and to make arrangements for phase two of the implementation of the resolutions, namely, preparations for the convening of the general meeting. The following observations, and conclusions were highlighted:

(a) Political matters, including peace-making and peace-keeping activities, have a high priority in the two organizations. Co-operation and co-ordination in these areas are the direct responsibilities of the offices of both Secretaries-General;

(b) Differences existed in the level of delegated authority between the resident representatives of the United Nations and their OAS counterparts. These differences could interfere with the level of co-ordination at the local level. Future co-operation, therefore, taking that into account has to be at the headquarters level;

(c) It was noted that whereas activities of OAS and its executive agencies in education, science and culture were regional its economic and social programmes were predominantly national, with a few being multinational;

(d) Co-operation and co-ordination particularly in the area of technical co-operation, could be more effective with the participation of Member States concerned. The importance was stressed of establishing adequate co-ordination mechanisms between the two organizations, beginning with the planning stages of technical co-operation projects and including timely exchanges of information necessary for budget preparation purposes;

(e) The country level reports indicate that a greater interaction between the two organizations could be developed, including the use of OAS facilities by United Nations officials and missions, in countries where there were no United Nations offices. A further suggestion was joint utilization of the development co-ordination report prepared by UNDP, and which in the future would include an assessment of the economic situation and technical assistance needs of each country;

(f) Attention was also drawn to the enhanced role of the resident co-ordinator, within the United Nations system, at the country level pursuant to General Assembly resolution 44/211, for the integration of sectoral inputs of the system and for effective and coherent co-ordination. That resolution and other relevant resolutions of the Assembly would also provide closer co-operation of field representation of the United Nations system at the country level with the resident co-ordinator (A/45/273/Add.3);

(g) The co-ordination of activities between the United Nations and OAS, both in technical and non-technical areas, will make it possible to avoid duplication and overlapping and to make fuller use of the possibilities for co-operation and co-ordination between the two organizations.

18. In their meeting on 16 February 1990, the Under-Secretary-General for SPQRCDT and the Assistant Secretary-General of OAS discussed the above reports and the arrangements for the general meeting. In view of impending staff changes within OAS at the senior level, it was felt that further consultations on the arrangements for the general meeting should continue.

Notes

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IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES
TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE
TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE
AND OBSERVANCE OF HUMAN RIGHTS

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 44/79 of 8 December 1989, the General Assembly, inter alia, reaffirmed the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle; reaffirmed that the practice of using mercenaries against sovereign States and national liberation movements constituted a criminal act and called upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences, and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General; called for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through national liberation movements recognized by the Organization of African Unity; expressed its appreciation for the material and other forms of assistance that peoples under colonial rule continued to receive from Governments, organizations or the United Nations system and other intergovernmental organizations, and called for a substantial increase in that assistance; and decided to consider that item again at its forty-fifth session on the basis of the reports on the strengthening of assistance to colonial territories and peoples that Governments, organizations of the United Nations system and intergovernmental and non-governmental organizations had been requested to submit.

2. In its resolution 44/80 of 8 December 1989, the General Assembly, inter alia, reaffirmed that the universal realization of the right of all peoples, including those under colonial, foreign or alien domination, to self-determination was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights. The Assembly requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation. It requested the Secretary-General to report on that issue to the Assembly at its forty-fifth session under the item entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".

3. By its resolution 44/81, also of 8 December 1989, the General Assembly urged all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation.

4. The present report contains (a) a summary of action taken by the Commission on Human Rights at its forty-sixth session pursuant to General Assembly resolution 44/80 and by the Economic and Social Council at its first regular session of 1990; (b) replies received from Governments; (c) replies received from specialized agencies and United Nations organs; (d) replies received from intergovernmental organizations; and (e) replies received from non-governmental organizations on action taken pursuant to Assembly resolution 44/79. Any additional replies will be reproduced in an addendum to the present document.

II. SUMMARY OF ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS
AT ITS FORTY-SIXTH SESSION AND BY THE ECONOMIC AND SOCIAL
COUNCIL AT ITS FIRST REGULAR SESSION OF 1990

5. At its forty-sixth session, held in January and March 1990, the Commission on Human Rights considered the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its 2nd to 10th and at its 19th, 28th, 29th and 32nd meetings. The debates are reported in the relevant summary records (E/CN.4/1990/SR.2-10, 19, 28, 29 and 32). The Commission adopted seven resolutions which related to the question of Western Sahara (resolution 1990/4), the situation in Afghanistan (resolution 1990/5), the situation in occupied Palestine (resolution 1990/6), the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (resolution 1990/7), the situation in southern Africa (1990/8), the situation in Cambodia (1990/9) and the situation in Panama (1990/10).

6. At its first regular session of 1990, the Economic and Social Council, by decision 1990/256 of 25 May 1990, endorsed Commission on Human Rights resolution 1990/9 on the situation in Cambodia and requested the Secretary-General to continue to monitor closely the developments in Cambodia and to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement of the Cambodian problem and the restoration of fundamental human rights in Cambodia.

III. REPLIES RECEIVED FROM GOVERNMENTS

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[16 August 1990]

1. The Byelorussian SSR resolutely advocates the speedy and universal affirmation and rigorous observance of one of the basic principles of modern international law - the right of peoples to self-determination.

2. The consistent observance of the principle of national self-determination is indispensable in ensuring respect for, and the development and promotion of, human rights and freedoms; at the same time, it is an essential factor in the internal and external security of States. The exercise of the right to self-determination

is an important prerequisite for the success of United Nations efforts to maintain world peace and protect human rights.

3. From the standpoint of the new thinking, a people's freedom to choose its own path of development is the basic foundation of a united and interdependent world. The Byelorussian SSR is convinced that, at a time when international relations are being humanized and democratized, the recognition of freedom of choice as a legal norm creates the conditions for the strengthening of human rights and for the free and comprehensive development of peoples.

4. The securing and strengthening of the right of peoples to exercise self-determination and to choose their own path of development are directly linked to the search for a settlement to the serious regional conflicts in the Middle East and other parts of the world.

5. Realization of the right to self-determination is also an essential pre-condition for the implementation of a whole range of civil, political, social, economic and cultural rights.

6. Mercenarism used for the purposes of impeding the realization of the inalienable right of peoples to self-determination persists today as a widespread and flagrant violation of international law. In all international forums where measures against mercenaries are discussed, the Byelorussian SSR has unfailingly opposed mercenarism, which it regards as a serious threat to international peace and security, and, like murder, piracy and genocide, a grave crime against humanity.

7. The Byelorussian SSR will continue to give various kinds of help and support to peoples fighting for their national liberation, self-determination and independence, and will continue consistently to support the just cause of peoples defending their freedom, independence and national dignity.

CHINA

[Original: Chinese]

[4 July 1990]

1. The Chinese Government is in favour of and fully supports the fundamental spirit of resolutions 44/79 and 44/80 concerning the question of the right of peoples to self-determination adopted by the General Assembly at its forty-fourth session. It is hoped that the following comments will be reflected in the report submitted by the Secretary-General to the Assembly at its forty-fifth session.

2. The right of peoples to self-determination is a fundamental principle of the Charter of the United Nations. According to the provisions of the Charter, the development of friendly relations among nations should be based on respect for the principle of equal rights and self-determination of peoples. The Declaration on the Granting of Independence to Colonial Countries and Peoples and the Declaration

on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in 1960 and 1970, respectively, further proclaimed solemnly that all peoples have the right to self-determination; by virtue of that right, they shall freely determine their political status and freely pursue their economic, social and cultural development.

3. The right of nations and peoples to self-determination constitutes an important part of the international concept of human rights and is also the pre-condition and guarantee for the realization and enjoyment of other human rights and fundamental freedoms. According to the principle of self-determination of peoples, the internal affairs of a country should be administered by the people of that country and other countries have no right to interfere. Any practice of the big bullying the small, the strong humiliating the weak, or any attempt to interfere in other's internal affairs by means of political pressure, economic sanctions or even force, constitutes a violation of the Charter of the United Nations and the principle of self-determination of peoples. The United Nations should take upon itself the task of protecting and respecting the sovereignty, independence, national unity and territorial integrity of its Member States and oppose any form of interference in the internal affairs of its Member States.

4. The Chinese Government holds that racism, colonialism, racial discrimination and apartheid, foreign invasion, occupation and interference represent not only a brutal trampling upon the right to self-determination of peoples, but also a grave threat to international peace and security. At present, the peoples of various countries have won significant victories in their struggle for the right to self-determination. However, every now and then, there still occurred incidents detrimental to the right of peoples to self-determination or running counter to the principle of self-determination of people. The South African authorities have not yet abolished the system of apartheid. Israel continues to suppress the Palestinian people and to refuse to withdraw from the occupied territory while rejecting the right of the Palestinians to self-determination. Not long ago, Central America witnessed the armed invasion and military occupation of Panama, which is a gross violation of the norms of international law and the purposes of the Charter of the United Nations. In Asia, the Cambodian people are still deprived by foreign aggressors of the right to self-determination. The international community has the responsibility to continue to support the peoples of the above-mentioned regions in their just struggle for the right to self-determination.

5. The Chinese Government is of the view that, in order to eliminate the large-scale violation of human rights and achieve the universal realization of the right of peoples to self-determination, the United Nations and the relevant agencies should:

(a) Continue to implement the Declaration on the Granting of Independence to Colonial Countries and Peoples and be committed to the promotion of the process and realization of decolonization; continue to review, as a priority, the question of large-scale, grave violations of the right of peoples to self-determination and other human rights and fundamental freedoms of peoples under colonial rule and foreign invasion or occupation;

(b) Reaffirm the Charter's purpose and principle of "developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples", support the people of various countries in their just struggle against racism, apartheid and foreign invasion and occupation for self-determination, independence, territorial integrity, national unity;

(c) Condemn the hegemonistic practice of the big bullying the small, the strong humiliating the weak, interfering in other countries' internal affairs and undermining the territorial integrity of other countries; reaffirm the principles that the internal affairs of a country should be administered by the people of that country themselves and that the political, economic and social systems chosen by the people of each country freely should be respected.

CUBA

[Original: Spanish]

[25 June 1990]

1. The Government of Cuba attaches great importance to General Assembly resolutions 44/79 and 44/80, to which it has given its support.
2. The Cuban Government also wishes to express its concern regarding the issues raised by Mr. Enrique Bernales Ballesteros, Special Rapporteur, on the question of the use of mercenaries, in document A/44/526 and also in the report on the question of the use of mercenaries as a means to violate human rights and impede the exercise of the right of peoples to self-determination, which was submitted to the Commission on Human Rights at its forty-sixth session, in the belief that, by virtue of the seriousness of those issues, the question merits careful attention and follow-up by the competent organs of the United Nations.
3. Concerning paragraph 39 of resolution 44/79, Cuba has voiced in all the appropriate forums its condemnation of these abhorrent acts, which are designed to violate the principle of self-determination of peoples and are, furthermore, a means of interfering with the most basic human rights. Cuba actively participated in the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, in which it clearly stated that it rejects this practice, of which our people was also victim when Playa Girón was attacked.
4. The offence of mercenarism is covered by the Cuban Penal Code under chapter III on crimes against peace and international law.
5. In article 119 of the Code, a mercenary is defined as one who, "with the aim of receiving a salary or other material compensation, joins military units made up totally or partially of individuals who are not citizens of the State in whose territory they intend to operate". This makes it possible to punish a national who attacks our homeland with financing from an outside Power, which is fully consistent with the position maintained by Cuba in this regard.

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ECUADOR

[Original: Spanish]

[15 June 1990]

1. As reiterated on various occasions and, moreover, as indicated in the third periodic report recently submitted by the Ecuadorian Government to the Human Rights Committee, the right to self-determination is of vital importance for Ecuador, as this right provides a firm foundation for the unlimited respect for human rights and other individual guarantees. On this basis, Ecuador has traditionally maintained, as one of the guiding principles of its international policy, the defence of the right of peoples to self-determination and the rejection of colonialism and apartheid in any form.

2. In keeping with this policy, Ecuador has championed the right to self-determination in all international forums and has supported all the initiatives and measures aimed at the recognition of this right for various peoples. As just one illustration, it firmly supported the people of Namibia in their quest for genuine independence and has repeatedly condemned the racist and discriminatory policy of the South African Government towards the black population, a policy which Ecuador considers contrary to nature and incompatible with human dignity.

3. Moreover, specifically in reference to paragraph 39 of resolution 44/79, mentioned above, and as indicated in its note 4-7-86/89 of 7 June 1989, Ecuador wishes to place on record that, apart from its opposition to mercenary practices, conditions in the country make it impossible for the recruitment, financing, training and/or transit of mercenaries to take place. It is therefore unnecessary, at the present time, to incorporate norms in that area in the national legislation.

GERMAN DEMOCRATIC REPUBLIC

[Original: English]

[17 August 1990]

1. The right to self-determination is of special importance to the people of the German Democratic Republic. The social transformations initiated in autumn 1989 are a reflection of the desire to exercise this right and overcome the division of the nation. Freely exercising their right to self-determination, people in the German Democratic Republic opted for a democratically conceived society inspired by freedom, democracy and the rule of law internally and by the protection of peaceful and friendly co-operation externally. Having emerged from free and democratic elections on 18 March 1990, the Government of the German Democratic Republic is unreservedly committed to the full exercise by all peoples of their right to self-determination. It has set itself the task to establish German unity in an undivided and peaceful Europe and seeks to contribute, in this way, to the strengthening of peace and stability around the world.

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2. The right of peoples to self-determination has found world-wide acceptance as a fundamental, generally binding principle of contemporary international law embodied in the Charter of the United Nations. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights define the right to self-determination as the right of all peoples freely to determine their political status and freely to pursue their economic, social and cultural development. Thus, the exercise of the peoples' right to self-determination is a democratic process that ensures the exercise of the right of the individual to take part in the conduct of public affairs and offers each individual every opportunity to exercise his or her human rights.

3. The exercise of the peoples' right to self-determination is closely bound up with the principal aims of the United Nations: safeguarding peace, establishment of peaceful, equal international co-operation, respect for human rights and promotion of economic and social progress. Since its founding 45 years ago, the United Nations has made a successful contribution to the achievement of independence by peoples and their liberation from colonial rule. The independence of Namibia and its admission to the Organization as its 160th Member State is the most recent case in point.

4. Tribute is due in this connection to the Declaration on the Granting of Independence to Colonial Countries and Peoples, which will have its thirtieth anniversary shortly, on 14 December 1990. The International Decade for the Eradication of Colonialism proclaimed by the General Assembly at its forty-third session should be used to overcome universally and completely colonial and foreign rule. In order to make peace secure and promote international co-operation, it is indispensable for the United Nations to help to create such conditions as will enable the peoples concerned to exercise their right to self-determination free from any outside interference. The German Democratic Republic supports all measures of the United Nations that are designed to remove tensions in the conflict-ridden regions of the world by political and, hence, peaceful means.

5. The Government of the German Democratic Republic views the Declaration adopted without a vote at the sixteenth special session of the General Assembly as a sensible and reasonable way of overcoming apartheid. A democratic society without racial barriers is the objective. The German Democratic Republic will work to ensure that the United Nations Organization does all it can to promote efforts for the peaceful elimination of apartheid. In the Middle East, it will give its backing to a peace process inspired by respect for the right to self-determination of all peoples living in the area.

6. "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples ..." is one of the purposes of the United Nations enshrined in the Charter. The Government of the German Democratic Republic fully associates itself with this goal. The most recent experiences drawn from the development of the German Democratic Republic reaffirm that it is only if the right to self-determination and all other human rights are fully exercised that a free and peaceful development of peoples can be assured.

IRAQ

[Original: Arabic]

[15 May 1990]

1. The first aspect, which Iraq regards as the most important central issue, concerns the right of the Palestinian people to self-determination in accordance with the relevant United Nations resolutions. The Palestinian uprising has proved that an entire people cannot be subjugated, displaced and expelled from its homeland. The international community must assume its responsibility to compel Israel to fulfil its international obligations and abandon the policy of expulsion, deportation and the settlement of new immigrants in the Arab region, this being a policy that has been condemned by the international community as a whole.
2. The policy of co-operation between the Israeli régime and the Pretoria régime in regard to armaments poses a threat to the African continent and the Arab region, particularly in the field of nuclear armament which could lead to disastrous consequences that would be detrimental to the policy of détente that has begun to prevail throughout the world.
3. The international community must bring pressure to bear with a view to the convening of the International Peace Conference on the Middle East in order to safeguard the legitimate and inalienable rights of the Palestinian people, under the leadership of the Palestine Liberation Organization, its sole legitimate representative.
4. The second aspect concerns the question of Namibia, which recently achieved its independence after a hard struggle by its people, under the leadership of its representative, the South West Africa People's Organization.
5. The third aspect concerns the repressive practices of the Pretoria régime, which is applying the odious policy of apartheid against the indigenous population of the country.

MOROCCO

[Original: French]

[18 June 1990]

1. With regard to the implementation of the principle of the right of peoples to self-determination and, therefore, to govern themselves, and respect for that right, Morocco has always been an ardent defender of this principle and one of those who promote its implementation in all countries that are still under colonial domination, particularly in Africa and the Middle East. Mention should be made of the important role played by Morocco in the drafting of resolution 1514 (XV) entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples", adopted by the General Assembly on 14 December 1960 and Morocco's

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constant, many-sided and unfailing support for the struggle of authentic national liberation movements.

2. With respect to the practice of using mercenaries against sovereign States, Morocco, as a country committed to the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, condemns at the same time the recruitment, use, financing and training of mercenaries. It denounces all concerted acts of violence aimed at overthrowing a Government or in any other way attacking the constitutional order or territorial integrity of a State.

PANAMA

[Original: Spanish]

[24 April 1990]

[For the purpose of Panama, see document A/44/548, page 10, paragraphs 1 and 2, replacing, in paragraph 1 (b), the reference to paragraph 29 of General Assembly resolution 43/106 by a reference to paragraph 39 of Assembly resolution 44/79.]

PORTUGAL

[Original: French]

[6 July 1990]

1. Article 188 of the Portuguese Penal Code provides for punishment for the recruitment or attempted recruitment of mercenaries.

2. Accordingly, "whoever recruits or attempts to recruit mercenaries for the military service of a foreign State or for national or foreign armed organization seeking, by violence, to overthrow the legitimate Government of another State, infringe its independence or territorial integrity, or disrupt the normal functioning of the institutions of that State shall be punished by two to six years' imprisonment".

3. In accordance with the terms of this article, a mercenary is anyone who provides military service or service considered as such to a foreign State, or who joins a foreign or national organization, whose aim is to overthrow the legitimate Government of another State, infringe its independence or territorial integrity, or disrupt the normal functioning of its institutions by means of violence.

4. The nationality of the mercenary is not a relevant factor for bringing charges against a person who has committed an offence.

5. Nevertheless, the above-mentioned article does not provide for the punishment of a mercenary.

6. Similarly, the financing, training and transit of mercenaries are not, for the time being, considered punishable offences under the Portuguese Penal Code.

7. Nevertheless, account has been taken of these aspects, inter alia, through the participation of Portuguese representatives in the work of the United Nations Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

8. Article 3 of the Convention provides for the punishment of mercenaries and article 2 considers the use, financing and training of mercenaries punishable offences.

9. The Portuguese Penal Code is currently being revised. One of the objectives of the Revision Committee in particular is to bring the provisions of the Code into line with those of existing international conventions. It is therefore expected that provisions such as those set forth in articles 2 and 3 of the Convention shall be taken into consideration by the Revision Commission in order to adapt domestic penal law to their content.

Article 188

(Recruitment of mercenaries)

Whoever recruits or attempts to recruit mercenaries:

(a) for the military service of a foreign State,

(b) for any national or foreign armed organization seeking, by means of violence, to overthrow the legitimate Government of another State, infringe its independence or territorial integrity, or disrupt the normal functioning of the institutions of that State, shall be punished by two to six years' imprisonment.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[17 August 1990]

1. The Ukrainian SSR has consistently advocated the speedy affirmation and strict observance in international relations of the right of nations to self-determination - one of the imperative principles of modern international law. The rigorous observance of that principle is an indispensable condition for respect for and promotion of human rights and, at the same time, it is an important factor in the internal and external security of States. The implementation of the principle of self-determination strengthens considerably the effectiveness of United Nations activities in the area of maintaining world peace and protecting the rights of the individual.

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2. Disregard for the right of peoples to self-determination inevitably gives rise to hotbeds of tension in diverse parts of the world and is accompanied by gross and mass violations of human rights.

3. The Ukrainian SSR welcomes the proclamation of the independence of Namibia, which was a significant step towards breaking the deadlock in the conflict in southern Africa. At the same time it is becoming increasingly obvious that the genuine exercise of the right to self-determination by all the peoples of southern Africa will be possible only when the shameful apartheid system is completely dismantled, the indigenous population of South Africa is allowed to enjoy all their rights, and the democratic rights of all South Africans are guaranteed.

4. For many years, the reason for the persistence of another explosive source of tension has been Israel's hindrance of the exercise by the Arab people of Palestine of their right to self-determination. The Ukrainian SSR is particularly concerned at the mass violations of human rights in the Israeli-occupied Arab territories. It has repeatedly expressed its position on that issue in the General Assembly, the Security Council and United Nations human-rights bodies.

5. The Ukrainian SSR wholeheartedly supports the efforts of the leadership of the Republic of Afghanistan to solve all the problems of that country through peaceful political means. The Government of the Ukrainian SSR shares the concern of the international community at the protracted hostilities in Afghanistan and believes that it is time to call upon all parties to the Geneva Conventions to ensure the scrupulous and conscientious fulfilment of their obligations under those Conventions. The United Nations and the Secretary-General can make a significant contribution in this area. The Ukrainian SSR hopes that the Security Council will provide effective assistance in the implementation of the Geneva Conventions and will take measures to put a stop to interference in the affairs of Afghanistan..

6. The Ukrainian SSR supports the process currently under way for the peaceful settlement of the Cambodian problem. The settlement should take due account, first and foremost, of the fundamental interests of the Cambodian people and, at the same time, also of the political realities existing in the region. In that regard, the withdrawal of foreign troops from the country, the provision of guarantees that the Pol Pot genocide will not be repeated, and the ending of any interference in the internal affairs of Cambodia are all interrelated issues.

7. Recognizing that the universal implementation of the right of peoples to self-determination is of the utmost importance in breaking the deadlock in conflicts, the Ukrainian SSR believes that it is necessary to remember the Non-Self-Governing Territories, whose peoples to this day are unable to make their free and independent choice. The Ukrainian SSR considers that the right of those peoples to self-determination and independence should be guaranteed in full accordance with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

8. The Ukrainian SSR welcomes the adoption by the United Nations of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, since there is a clear link between the use of mercenaries against

sovereign States and the obstacles to peoples' exercise of their right to self-determination. The Government of the Ukrainian SSR fully supports the international community's efforts to eradicate that phenomenon.

9. The Ukrainian SSR considers it necessary to announce that the principle of the self-determination of peoples and nations has recently been given a new impetus in the development of the national statehood of the Ukrainian SSR itself. On 16 July 1990, the Supreme Soviet of the Republic adopted the Declaration on the State Sovereignty of the Ukraine.

10. Section I of the Declaration, entitled "Self-determination of the Ukrainian nation", proclaims that "the Ukrainian SSR as a sovereign national State shall develop within its existing boundaries on the basis of the exercise by the Ukrainian nation of its inalienable right to self-determination". The section also refers to the Republic's defence and protection of the national statehood of the Ukrainian people and to the suppression of any act of force against national statehood.

11. The Declaration contains detailed legal provisions on the sovereignty of the people, citizenship, territorial sovereignty, economic and cultural affairs, ecological security and several other issues.

12. Section X, entitled "International relations" is of particular importance for the Republic's conduct of its foreign policy. The section states that "the Ukrainian SSR, as a subject of international law, shall maintain direct relations with other States, conclude treaties with them, exchange diplomatic, consular and trade missions and take part in the work of international organizations to the extent necessary for the effective guarantee of the national interests of the Republic in the political, economic, ecological, information, scientific, technological, cultural and sporting spheres". The document underscores that the Ukrainian SSR shall conduct itself as a fully-fledged participant in international life, actively promote the strengthening of world peace and international security and take a direct part in the all-European process and in European organizations.

13. New elements in the Declaration which are matters of principle are the recognition of the primacy of universal human values over class values and the absolute precedence of international law over the domestic law of States.

APPENDIX

Declaration on the State Sovereignty of the Ukraine adopted by the Supreme Soviet of the Ukrainian SSR on 16 July 1990

The Supreme Soviet of the Ukrainian SSR,

Expressing the will of the people of the Ukraine,

Desiring to create a democratic society,

Motivated by the requirements of the universal guarantee of human rights and freedoms,

Respecting the national rights of all peoples,

Concerned to secure the comprehensive political, economic, social and spiritual development of the people of the Ukraine,

Recognizing the need to build a State based on the rule of law,

Desiring to consolidate the sovereignty and self-government of the people of the Ukraine,

Proclaims

The State sovereignty of the Ukraine as being the supremacy, independence, fullness and indivisibility of the power of the Republic within the bounds of its territory and its independence and equal status in external relations.

I. SELF-DETERMINATION OF THE UKRAINIAN NATION

The Ukrainian SSR as a sovereign national State shall develop within its existing boundaries on the basis of the exercise by the Ukrainian nation of its inalienable right to self-determination.

The Ukrainian SSR shall effect the defence and protection of the national Statehood of the Ukrainian people.

Any acts of force committed against the national Statehood of the Ukraine by political parties, social organizations or other groups or individuals shall be prosecuted under the law.

II. SOVEREIGNTY OF THE PEOPLE

The citizens of the Republic of all nationalities shall constitute the people of the Ukraine.

The people of the Ukraine shall be the sole source of State power in the Republic.

The sovereignty of the people of the Ukraine shall be exercised on the basis of the Constitution of the Republic both directly and through people's deputies elected to the Supreme Soviet and the local soviets of the Ukrainian SSR.

Only the Supreme Soviet of the Ukrainian SSR may speak or act on behalf of the whole people. No political party, social organization or other group or individual may speak or act on behalf of the whole people of the Ukraine.

III. STATE POWER

The Ukrainian SSR shall be independent in respect of the resolution of any questions of its State affairs.

The Ukrainian SSR shall ensure the supremacy of the Constitution and laws of the Republic in its territory.

State power in the Republic shall be exercised in accordance with the principle of its division into legislative, executive and judicial power.

Ultimate supervision of the correct and uniform implementation of the laws shall be effected by the Procurator-General of the Ukrainian SSR, who shall be appointed by the Supreme Soviet of the Ukrainian SSR and shall be responsible to it and accountable to it alone.

IV. CITIZENSHIP OF THE UKRAINIAN SSR

The Ukrainian SSR shall have its own citizenship and shall guarantee every citizen the right to retain citizenship of the USSR.

Acquisition or loss of citizenship of the Ukrainian SSR shall be determined by the Law on Citizenship of the Ukrainian SSR.

All citizens of the Ukrainian SSR shall be guaranteed the rights and freedoms provided by the Constitution of the Ukrainian SSR and by the rules of international law recognized by the Ukrainian SSR.

The Ukrainian SSR shall guarantee the equality under the law of all citizens of the Republic regardless of their origin, social or property status, racial or national affiliation, sex, education, language, political opinions, religious beliefs, type and nature of occupation, place of residence or other circumstances.

The Ukrainian SSR shall regulate immigration procedures.

The Ukrainian SSR shall attend to and take steps to protect and defend the interests of the citizens of the Ukrainian SSR located outside the Republic.

V. TERRITORIAL SOVEREIGNTY

The Ukrainian SSR shall exercise sovereignty over the whole of its territory.

The territory of the Ukrainian SSR within its existing frontiers shall be inviolable and shall not be changed or used without its consent.

The Ukrainian SSR shall independently determine the organization of the Republic into administrative areas and the procedure for the formation of national administrative units.

VI. ECONOMIC INDEPENDENCE

The Ukrainian SSR shall independently determine its economic status and establish it in law.

The people of the Ukraine shall have an exclusive right to the ownership, use and disposition of the national wealth of the Ukraine.

The earth and its minerals, the air space, and the water and other natural resources located within the territory of the Ukrainian SSR, the natural resources of its continental shelf and exclusive (marine) economic zone, and the whole economic and scientific and technological potential created in the territory of the Ukraine shall be the property of its people and constitute the material basis of the sovereignty of the Republic and shall be used in order to satisfy the material and spiritual needs of its citizens.

The Ukrainian SSR shall be entitled to its share, created by the efforts of the people of the Republic, in the all-Union wealth, in particular the all-Union diamond and foreign-currency stocks and gold reserve.

Questions of all-Union property (common property of all the republics) shall be resolved on a treaty basis between the republics which own such property.

Enterprises, institutions, organizations and installations of other States and their citizens and of international organizations may be located in the territory of the Ukrainian SSR and use the natural resources of the Ukraine in accordance with the laws of the Ukrainian SSR.

The Ukrainian SSR shall independently establish banking (including an external economic bank), pricing, financial, customs and taxation systems and shall draw up a State budget and if necessary introduce its own monetary unit.

The supreme credit institution of the Ukrainian SSR shall be the National Bank of the Ukraine, which shall be accountable to the Supreme Soviet of the Ukrainian SSR.

Enterprises, institutions, organizations and production units located in the territory of the Ukrainian SSR shall pay for the use of land and other natural and labour resources and shall contribute deductions from foreign-currency earnings, as well as paying taxes into local budgets.

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The Ukrainian SSR shall ensure the protection of all forms of property.

VII. ECOLOGICAL SECURITY

The Ukrainian SSR shall independently establish the procedure for the organization of the protection of nature in the territory of the Republic and the procedure for the use of natural resources.

The Ukrainian SSR shall have its own national commission on the protection of the population against radiation.

The Ukrainian SSR shall be entitled to prohibit the construction and terminate the operation of any enterprises, institutions, organizations or other installations which threaten ecological security.

The Ukrainian SSR shall attend to the environmental safety of its citizens and the gene pool of its people and younger generation.

The Ukrainian SSR shall be entitled to compensation for damage to the environment of the Ukraine caused by the activities of Union organs.

VIII. CULTURAL DEVELOPMENT

The Ukrainian SSR shall be independent in respect of the resolution of questions of science, education and the cultural and spiritual development of the Ukrainian nation and shall guarantee all nationalities living in the territory of the Republic the right to their unimpeded national cultural development.

The Ukrainian SSR shall ensure the national cultural renaissance of the Ukrainian people and of its historical consciousness and traditions and national ethnographic characteristics, and the use of the Ukrainian language in all areas of social life.

The Ukrainian SSR shall endeavour to satisfy the national cultural, spiritual and language needs of Ukrainians living outside the Republic.

Items of Ukrainian national, cultural and historical value located in the territory of the Ukrainian SSR shall be the exclusive property of the people of the Republic.

The Ukrainian SSR shall be entitled to have items of Ukrainian national, cultural and historical value located outside the Ukrainian SSR restored to the ownership of the people of the Ukraine.

IX. EXTERNAL AND INTERNAL SECURITY

The Ukrainian SSR shall be entitled to maintain its own armed forces.

The Ukrainian SSR shall have its own internal forces and organs of State security subordinate to the Supreme Soviet of the Ukrainian SSR.

The Ukrainian SSR shall determine the procedure for the performance of military service by the citizens of the Republic.

The citizens of the Ukrainian SSR shall perform active military service, as a rule, in the territory of the Republic and may not be used for military purposes beyond its boundaries without the consent of the Supreme Soviet of the Ukrainian SSR.

The Ukrainian SSR solemnly proclaims its intention to become in the future a permanently neutral State, taking no part in military blocs and holding to three non-nuclear principles: not to accept, produce or acquire nuclear weapons.

X. INTERNATIONAL RELATIONS

The Ukrainian SSR, as a subject of international law, shall maintain direct relations with other States, conclude treaties with them, exchange diplomatic, consular and trade missions and take part in the work of international organizations to the extent necessary for the effective guarantee of the national interests of the Republic in the political, economic, ecological, information, scientific, technological, cultural and sporting spheres.

The Ukrainian SSR shall conduct itself as a fully-fledged participant in international life, actively promote the strengthening of world peace and international security and take a direct part in the all-European process and in European organizations.

The Ukrainian SSR recognizes the primacy of universal human values over class values and the precedence of the generally recognized rules of international law over the domestic law of States.

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The relations of the Ukrainian SSR with the other Soviet republics shall be built on the basis of treaties concluded in accordance with the principles of equality of rights, mutual respect and non-interference in internal affairs.

This Declaration shall be the basis for the new Constitution and laws of the Ukraine and shall determine the Republic's positions in the negotiation of international agreements. The principles of this Declaration on the Sovereignty of the Ukraine shall be used for the conclusion of a Union treaty.

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VENEZUELA

[Original: Spanish]

[30 June 1990]

1. In accordance with the principles embodied in the preamble to the Constitution, the Government attaches the greatest importance to the universal achievement of the right of all peoples to the fundamental freedoms and to the rapid attainment of independence by colonial countries and peoples so as to ensure the effective observance of human rights.
2. These principles, which are quoted below, fully justify Venezuela's position and its national policies in this regard:

"Maintaining the independence and territorial integrity of the Nation, strengthening its unity, ensuring the freedom, peace and stability of its institutions; protecting and uplifting labour, upholding human dignity, promoting general well-being and social security; achieving an equitable participation by all in the enjoyment of wealth, according to the principles of social justice, and promoting the development of the economy in the service of man; maintaining social and legal equality without discrimination based on race, sex, creed or social status; co-operating with all other nations, especially the sister Republics of the continent, in the aims of the international community on the basis of mutual respect for sovereignty, the self-determination of peoples, the universal guarantee of the individual and social rights of the human person, and the repudiation of war, conquest and economic predominance as instruments of international policy; supporting the democratic order as the sole and irrenounceable means of ensuring the rights and dignity of citizens and fostering its peaceful extension to all the peoples of the earth."

3. In addition, on the question of decolonization, Venezuela has reiterated in various international forums its support for the principle of the self-determination of peoples as set forth in General Assembly resolution 1514 (XV) and in the United Nations Charter. Note should also be taken of the resolute and unconditional support given to those peoples fighting for self-determination by Venezuela, as a member of the United Nations Council for Namibia and of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.
4. With regard to paragraph 39 of General Assembly resolution 44/79 (in which the Assembly reaffirmed that the practice of using mercenaries against sovereign States and national liberation movements constituted a criminal act, and called upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences, and prohibiting their nationals from serving as mercenaries), it should be noted that, while Venezuelan legislation does not define the concept of mercenary in the terms set forth in the above resolution, Venezuela has adopted certain legal norms and

principles which establish the country's support for the self-determination of peoples and respect for sovereignty. Similarly, while there is no express mention of the term, the Constitution, the Code of Military Justice and the Law on Weapons and Explosives clearly establish that the activities of mercenaries are prohibited and punished.

[For the remainder of the response of Venezuela, see document A/44/548, pages 16-19, paragraphs 4-13, substituting, in paragraph 9, the reference to paragraph 46 of General Assembly resolution 43/105 by a reference to paragraph 44 of Assembly resolution 44/79.]

IV. REPLIES RECEIVED FROM SPECIALIZED AGENCIES AND UNITED NATIONS ORGANS

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

[Original: English]

[18 July 1990]

1. FAO activities relevant to General Assembly resolution 44/79 include assistance provided by the Organization to Namibia, to the national liberation movements (NLMs) recognized by the Organization of African Unity and the United Nations, and to the Palestinian people.
2. In response to resolutions by its own governing bodies and by the General Assembly, FAO has extended material and technical assistance to every one of the national liberation movements that have been engaged in the struggle for the independence of Angola, Guinea-Bissau, Mozambique, Namibia, South Africa and Zimbabwe. With the attainment of independence by practically all those countries, the only national liberation movements now qualifying for FAO assistance are the African National Congress of South Africa (ANC) and the Pan-Africanist Congress of Azania (PAC).
3. FAO programmes benefiting Namibia and the national liberation movements have consisted mainly of training, direct support for food production, sectoral surveys and policy analysis, and the conduct of occasional studies and dissemination of resulting information on those aspects of apartheid that have relevance to the mandate of the Organization. These activities have been funded not only by UNDP and the United Nations Fund for Namibia, but also by FAO's Technical Co-operation Programme and other regular programme resources.
4. Training assistance has been given to enhance knowledge and skills in nutrition, childcare, food storage and preservation, food technology, fisheries management, agricultural economics, and other related subjects.
5. Support for food production has included assistance in the planning and establishment of farms, and the provision of inputs and general operating expenses for the development of the farms. Since 1979, FAO has been assisting the

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Pan-Africanist Congress of Azania in the development of a farm at its settlement in Bagamoyo District in the United Republic of Tanzania. A similar project has been formulated for ANC in the United Republic of Tanzania and is awaiting funding approval.

6. Prior to Namibia's independence, FAO carried out analyses of policy options on various aspects of the country's agriculture, namely, agrarian reform, nutrition and the protection of food supplies, fisheries, agricultural education, and grazing lands. An assessment, based on satellite imagery studies, was performed of the suitability of Namibia's land resources for various types of agricultural activity.

7. During the transitional period to Namibia's independence, FAO undertook a further assessment of the country's development needs in fisheries and agriculture, and prepared related short-term policy options which were subsequently presented to the Government of the new nation. FAO has also collaborated actively in the Office of the United Nations High Commissioner for Refugees-co-ordinated Rehabilitation and Settlement Programme for Namibia, under which the Organization implemented two projects funded under its Technical Co-operation Programme - one (\$400,000) for the supply of seeds, hand-tools and other agricultural inputs, and the other (\$183,000) providing the services of an expert to advise on the agricultural aspects of the Settlement Programme.

8. In April 1990, the Director-General of FAO approved emergency food aid worth \$5.5 million to provide relief to about 150,000 subsistence farmers affected by severe drought. At the request of the United Nations Transition Assistance Group and the Government Drought Committee, FAO fielded a crop assessment mission to Namibia during May 1990.

9. FAO is executing two projects of direct benefit to the Palestinian people. Under one of the projects, FAO has organized three post-graduate training fellowships for Palestinians in Agricultural Economics and Animal Production. The project is funded under the Near East Co-operative Programme. The second project, funded under FAO's Freedom from Hunger Campaign, provides short-term consultancies and audio-visual equipment to assist Al-Quds Open University in developing its curriculum and programmes relating to land and community development.

OFFICE OF THE UNITED NATIONS COMMISSIONER FOR NAMIBIA

[Original: English]

[18 April 1990]

The Office of the United Nations Commissioner for Namibia responded that it was in the process of winding up its operations related to Namibia and was no longer in a position to submit information or reports concerning the matter.

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UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

[Original: English]

[9 July 1990]

Assistance to the Palestinian people

1. Within the scope of its mandate on assistance to the Palestinian people and bearing in mind resource limitations, the UNCTAD secretariat has made efforts to intensify and increase the impact of its policy-oriented research activities on the economic problems confronting the occupied Palestinian territory. Accordingly, the UNCTAD secretariat has prepared action-oriented reports and studies on various aspects of the Palestinian economy under Israeli occupation. In an effort to examine the growing problems of the Palestinian economy in an integrated and comprehensive manner, UNCTAD has initiated an inter-sectoral study, provisionally entitled "The occupied Palestinian territory (West Bank and Gaza Strip): prospects for sustained economic development". The study will contain, *inter alia*, an analysis of the potentials of development at the overall and sectoral levels under varying assumptions. Based on the results of the analysis, efforts will be focused on formulating a consolidated substantive frame of reference for action outlining strategy guidelines and policy options at various levels. A number of United Nations agencies, regional Arab and non-Arab organizations were consulted with the view to co-ordinating efforts and, where possible, soliciting their association with UNCTAD in the preparation of the study. Some organizations have agreed to provide substantive inputs to the study, while others have also offered financial contributions. In addition, the General Assembly, under its resolution 44/174 of 19 December 1989, has made resources available for the preparation of the study, which is expected to be completed by the end of 1991.

2. In the area of technical co-operation activities, UNCTAD also collaborated with the UNCTAD/GATT International Trade Centre by formulating a project proposal on the preparation of a feasibility study for the establishment of a marketing centre in the occupied Palestinian territory, as called for in UNCTAD resolution 169 (VII). The feasibility study has been completed and submitted to UNDP for its consideration and subsequent action leading to the establishment of the marketing centre in the occupied Palestinian territory. The UNCTAD secretariat's proposal for establishing an "Investment projects evaluation centre" in the occupied Palestinian territory has received increasing support. The proposal is aimed at initiating and developing Palestinian capabilities in resource allocation and management at both the entrepreneurial and institutional levels.

Activities in the southern African region

3. Within the framework of its support to the Southern African Development Co-ordination Conference (SADCC), UNCTAD undertakes a number of activities in the southern African region, both at the country and regional levels aimed at assisting the countries, in particular the front-line States, to reduce their dependence on South Africa and, in this way, to withstand destabilization measures by the latter. These activities include support to Governments in the areas of trade

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expansion and economic co-operation; the development and transfer of technology; debt-monitoring and financial analysis, insurance, food security, and transport, among others. Particular importance is attached to co-operation with the countries in the area of transport, in which an UNCTAD-executed technical co-operation project financed by UNDP aims at assisting them in developing a transportation network that is independent of transit transport routes through South Africa and in opening up new trade routes to countries in the North.

4. During the period of transition to Namibian independence, UNCTAD participated in the seminar organized by the United Nations Council for Namibia on the integration of Namibia into the regional structures for economic co-operation and development in southern Africa, held at Harare from 23 to 27 November 1989. UNCTAD submitted a paper on "Trade and regional co-operation for an independent Namibia" suggesting measures that Namibia should consider taking with a view to deriving maximum benefits from its de facto membership in the Southern African Customs Union, and in order to lessen its heavy dependence on South Africa by joining existing subregional economic co-operation organizations such as SADCC and Preferential Trade Area of Eastern and Southern African States under terms taking into consideration Namibia's specific situation.

5. UNCTAD also participated in a second seminar held at Rio de Janeiro, Brazil from 4 to 8 December 1989 on "The technical assistance for an independent Namibia: the role of the United Nations system". UNCTAD submitted proposals for assisting Namibia in its efforts to enter into formal trade and economic co-operation arrangements with neighbouring countries and for better integrating its foreign trade in the international trading system.

V. REPLIES RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS

COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE

[Original: Russian]

[10 May 1990]

The Council for Mutual Economic Assistance reported that the issues dealt with in General Assembly resolution 44/79 were not within the competence of the secretariat of the Council for Mutual Economic Assistance.

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

[Original: English]

[23 April 1990]

The Inter-American Commission on Human Rights reported that it had not issued any studies on the subject of the right of peoples to self-determination.

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VI. REPLIES RECEIVED FROM NON-GOVERNMENTAL ORGANIZATIONS

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS

[Original: English]

[24 July 1990]

The International Confederation of Free Trade Unions (ICFTU) submitted the following report on its action against apartheid for the period January 1989 to June 1990:

1. The ICFTU Co-ordinating Committee on Southern Africa continues to co-ordinate all ICFTU action in the struggle against apartheid. Through this Committee, the ICFTU maximizes financial, material, technical and moral support to the democratic trade union movement inside South Africa. This includes around 30 ongoing projects and a substantial legal and relief assistance programme. To date, the Co-ordinated Programme for Southern Africa is the largest single programme in the history of ICFTU.

2. With respect to the ICFTU legal and relief programme, the grants received from the United Nations Trust Fund for South Africa have made a very valuable contribution to its work and have assisted the democratic trade unions in South Africa in their development. Without this type of assistance, it would not have been possible in many cases to fight precedent-making cases in the courts, thereby making gains both in the fight against apartheid and in strengthening the trade union movement.

Pressure on Governments

3. During the period under review, ICFTU has been particularly active in endeavouring to propagate the message of the democratic trade union movement in South Africa in calling for sanctions.

4. ICFTU has continued to put pressure on the South African Government through the United Nations and United Nations agencies. The case for the intensification of sanctions was put to the United Nations Ad Hoc Committee convened on the occasion of the special session of the General Assembly on apartheid and its destructive consequences in southern Africa, held in New York from 12 to 14 December 1989. In its statement, ICFTU called for the intensification of sanctions, showing their impact so far.

5. In August 1989, ICFTU submitted a statement to the Ad Hoc Working Group of Experts on Southern Africa of the United Nations Commission on Human Rights, concluding with yet another strong plea for mandatory economic sanctions against South Africa (London, 14-18 August 1989). ICFTU also gave testimony at the public hearings of the United Nations Centre on transnational corporations on the activities of transnational corporations in South Africa and Namibia (Geneva, September 1989).

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6. Twice in 1990, ICFTU delegations met with the President of the Council of Ministers of the European Community, in February and in June, immediately prior to Heads of State and Foreign Ministers summits at which the sanctions issue was up for discussion. In February, ICFTU sent a strong protest to the British Government expressing dismay at its precipitous and unilateral call for the lifting of European Community sanctions and the decision to lift the ban on investment and scientific and cultural links with South Africa.

7. The ICFTU/COTU (Central Organisation of Trade Unions of Kenya) Conference on the African Development Challenge, held at Nairobi from 25 to 27 October 1989, adopted a special statement on South Africa reiterating the call for sanctions.

Release of political and trade union detainees

8. ICFTU has an ongoing campaign for the release of detainees, and protested against the sentences imposed on the "Sharpeville Six" and the Delmas prisoners. ICFTU also protested and campaigned for the release of detainees on hunger strike in early 1989 and urged affiliates to intensify their campaigns for the release of political and trade union prisoners. ICFTU made statements to Economic and Social Council sessions on the overall political and trade union situation in South Africa.

9. Judgement was delivered in the trial of Moses Mayekiso and the "Alexandra Five" in April 1989. ICFTU sent an observer, as it had done previously during the trial, and contributed a substantial amount to the costs of the defence. The "Alexandra Five" were acquitted on all charges and this acquittal can be attributed, to a large extent, to the international trade union pressure campaign which ICFTU and its affiliates, together with the International Metalworkers Federation, waged for Mayekiso's release.

10. ICFTU has continued to protest against the arrest, harassment and detention of trade unionists in South Africa, which has continued unabated. Protests were made against the detention of Sipho Khubeka, General Secretary of Paper, Printing, Wood and Allied Workers Union, Paul Tshabalala, Mzwanele Mayekiso and Richard Mdakane, (the latter three being members of the "Alexandra Five" acquitted earlier in 1989) arrested after a march through Alexandra township. Protests were also made at detentions of several members of the Media Workers Association of South Africa in 1990, and 420 members of the Municipal, State Farms and Allied Workers Union.

11. ICFTU placed a half-page advertisement in the Cape Town newspaper "South" at the time of the eightieth birthday of Oscar Mpetha, former General Secretary of the Food and Allied Workers Union who was in detention. This called for his release together with all other trade union and political prisoners. Representations were also made to the South African Government for his release.

South Africa's News Blackout/Media Censorship

12. A joint ICFTU/International Federation of Journalists mission went to South Africa in May 1989 and met with trade unions, journalists, anti-censorship groups, foreign correspondents, etc., and discussed with them ways and means of beating the news blackout and getting uncensored material out of South Africa. One of the things to emerge from this mission was an ICFTU telex service, "Spotlight on South Africa", which supplies weekly information on trade union developments in South Africa to affiliated organizations.

13. A special video film was also produced to publicize the situation in South Africa.

The situation of farmworkers in South Africa

14. Farmworkers are still excluded from the labour legislation in South Africa and are in general subject to abuse and exploitation. A joint ICFTU/International Federation of Plantation and Agricultural Workers mission went to South Africa in May this year to examine the situation of these workers. The report will be available later in the year.

Unbanning of liberation movements, release of political prisoners, release of Nelson Mandela

15. ICFTU issued press releases on these occasions, sending messages to the Congress of South African Trade Unions (COSATU) and the National Council of Trade Unions (NACTU), and circulating these messages to affiliated organizations. ICFTU welcomed the release of Nelson Mandela.

Namibia

16. An ICFTU delegation went to observe the United Nations supervised elections in Namibia in November 1989. At the end of February 1990, ICFTU organized a seminar, together with the National Union of Namibia Workers, in order to plan activities and examine priorities in the post-independence period. This resulted in a five-year project which will be starting later this year. ICFTU was also represented at Namibia's Independence Celebrations on 21 March 1990 at the invitations of President-Elect Sam Nujoma and the National Union of Namibia Workers.

South African Transport Services strike

17. ICFTU protested vigorously to the South African Transport Services (SATS) management and to the South African régime over the recent bloody strike, during which 26 workers were killed and 60 injured. In addition, 23,000 workers were dismissed. Eventually, the dispute was settled with reasonable success for the union, the South African Railway and Harbour Workers Union, with an agreement to reinstate all the workers.

18. Particularly recalcitrant employers, such as SATS, are given full adverse publicity in their anti-union action. Such campaigns are co-ordinated with the ICFTU-associated International Trade Secretariats concerned, in this case, the International Transport Workers Federation.

Labour Relations Amendment Act (LRAA)/Workers Summit

19. ICFTU has kept its affiliated organizations up to date on developments in respect to the Labour Relations Amendment Act by featuring them in the telexed newsheet "Spotlight on South Africa" each week. The joint action between COSATU and NACTU on the Labour Relations Amendment Act resulted in agreement on amending the Act with the employers federation SACCOLA, and at a subsequent meeting with the South African Minister of Manpower he committed himself to having the amendments adopted by the current session of parliament. However, he reneged on this agreement, and ICFTU is monitoring South African employers in order to ensure that they stand by the agreement reached with the trade union movement on new amendments to the Labour Relations Amendment Act, and do not exploit the current anti-union provisions of the Act.

20. Throughout 1989, the campaign in support of the joint COSATU/NACTU action against the Labour Relations Amendment Act was one of ICFTU's major campaigns. Vigorous protest action was organized in response to the information that the Second Workers' Summit to discuss action against the Labour Relations Amendment Act (27 August 1989) took place in the face of severe police restrictions.

21. The Summit also discussed the defiance campaign against the 6 September 1989 elections. ICFTU highlighted and protested against all the arrests/detentions/harassment of workers during both their campaign against the Labour Relations Amendment Act and the defiance campaign. ICFTU publicly condemned the so-called general elections on 6 September. ICFTU also co-ordinated a protest campaign against the police raids on the headquarters of COSATU and NACTU, the home of the COSATU General Secretary, and the Unilever office of the NACTU President which took place at the end of August.

22. ICFTU responded favourably to all requests for legal assistance from the democratic trade union movement in South Africa for cases arising out of employer action in connection with the anti-union provisions of the Labour Relations Amendment Act.

Transnational corporations

23. A new ICFTU publication "Apartheid for Export" appeared in June 1989. This brochure exposes the diversification of South African capital abroad and lists South African transnational corporations abroad.

24. ICFTU has continued to monitor multinational companies investing in South Africa and companies exploiting the anti-labour sections of the Labour Relations Amendment Act. It has mobilized pressure campaigns on multinationals investing in the so-called bantustans and all companies identified by the democratic trade union movement in South Africa for such action. Companies, such as Shell, have been targeted by the ICFTU on two accounts - for anti-union practices as well as for their role in promoting South Africa's efforts to gain energy self-sufficiency. ICFTU appealed to the management of Shell at the Shell Annual General Meeting at The Hague on 11 May 1989. Divestment practices of various transnational corporations have been closely monitored and instances of corporate camouflage have been exposed. ICFTU has fully backed the campaigns of the democratic South African trade unions arising from such practices, targeting, for example, Mobil Oil. The ICFTU also regularly updates its list of South African transnational corporations and their subsidiaries outside South Africa. In response to signals from the democratic trade union movement in South Africa that South African employer associations in the public and agricultural sectors are refusing to discuss union demands for the extension of basic trade union rights to workers in these sectors, ICFTU has fully backed all efforts to put maximum pressure on the associations concerned.

25. The ICFTU Conference on Trade Unions and Transnationals, held at Copenhagen in March 1990, discussed at length issues and strategies for dealing with transnational corporations in South Africa. A series of "case examples" were reviewed involving a range of different transnational corporations in various countries and sectors in order to explore a variety of strategies and tactics, including comprehensive campaigns, the strategic use of pension funds, analysing corporate structures and finances, and the co-ordination of trade union activities, in order to develop and enhance leverage on transnational corporations to respect trade union rights, and importantly the right to organize and bargain collectively. The call for the intensification of economic sanctions against South Africa was supported by all participants.

Target campaign on finance

26. The ICFTU/International Federation of Commercial, Clerical, Professional and Technical Employees have jointly produced a paper on this subject in order to study the possibilities of launching a campaign aimed at mobilizing trade union membership and the general public to put pressure on those banks that are involved in loans and financial support for the South African régime. ICFTU wrote to its Swiss affiliate in 1989 with regard to the loans granted to South Africa and takes every opportunity to expose such practices.

Coal embargo/oil

27. The ICFTU/Miners International Federation Working Party on the coal boycott met in May 1989. Among other things, this initiative was promoted through top level representations to the European institutions, support for national campaigns for coal sanctions, etc.

28. With regard to the transport of oil, ICFTU works closely with and has supported projects submitted by the Shipping Research Bureau in Amsterdam with regard to the transport of oil and the activities of Shell. ICFTU has noted that progress has been made to enforce the oil embargo, particularly through legislation adopted by the Governments of Norway and Denmark, to prohibit the transport of oil to South Africa but that other countries, such as Hong Kong, were taking over such trade. ICFTU affiliates were accordingly asked to press as a matter of urgency those Governments that have so far not adopted appropriate legislation. The General Secretary of the ICFTU Regional Organisation for the Asian and Pacific Region (APRO) ensured that this matter was discussed at regional level in APRO and raised the question of oil and coal specifically with the trade union movement in Hong Kong.

ILO Conference Committee on Apartheid 1989 and 1990

29. ICFTU circulated the conclusions of the Committee to its affiliated organizations. The recommendations are totally in line with the recommendations made by the ICFTU Co-ordinating Committee on Southern Africa and the decisions of the ICFTU Executive Board.

INTERNATIONAL FEDERATION TERRE DES HOMMES

[Original: French]

[18 June 1990]

1. The International Federation Terre des Hommes (FITDH) is firmly committed to the principle of the right of peoples to self-determination. The denial of that right may lead to violations of all human rights and can result not only from political and military factors but also from economic and social ones. The FITDH welcomes the recent progress it has detected in the implementation of the right of peoples to self-determination at a time when a number of nations have started to organize free elections.
2. The FITDH applies the principle of the right of peoples to self-determination to the full extent of its means. It considers this to be a fundamental right that can be implemented in several areas. It applies to economic, social and cultural rights, where self-determination is reflected in the opportunity left to every group to participate in decisions affecting its daily life. This right may be expressed in a number of ways: through the establishment of local or national associations, participation in a vote, consultations with the authorities concerned, etc. In the case of civil and political rights, the right of self-determination is expressed, of course, in the organization of free elections enabling a people to choose its leaders.
3. The right of self-determination plays an important role in the choice of the projects that are supported by the members of the FITDH, who act in accordance with the principle of helping others to help themselves. Education, in the view of the FITDH, is also an essential factor that enables peoples to achieve full enjoyment

of their right of self-determination. That is why the members of the FITDH support numerous projects to promote literacy and also human-rights education.

Western Sahara

4. In the Western Sahara conflict, the Terre des Hommes movements have always defended the right of the Saharan people to self-determination, a right which has been reaffirmed in various General Assembly resolutions.

5. Hence, various members of the FITDH have for more than 10 years been supporting the Saharan refugees in their desert encampment at Tindouf in Algeria by sending them food, clothing, blankets and medicine. They also support the efforts of those refugees to manage their own affairs in such areas as the training of medical personnel, medical care for mothers and children, schooling, technical vocational training and the establishment of crèches or vegetable gardens. The main desire of these people, while in exile, is to continue to train and educate their young so that when they return to their homeland the younger generation can assume the responsibilities of an independent State.

Cambodia

6. As for Cambodia, the FITDH made a statement at the forty-sixth session of the Commission on Human Rights in which it advocated, inter alia, free elections and the sending of foreign observers to supervise them.

7. From 1981 to 1985 the FITDH participated in the re-establishment of the Central School for Health Officials of the Ministry of Health in Phnom Penh. Among other things, it sent medical and teaching material, including 920 medical and paramedical textbooks. The school is still in operation.

8. For several years the FITDH has been supporting a three-component project to assist Cambodian agriculture: a hydrometeorological component to restore the operation of the water-distribution network and to establish a meteorological forecasting infrastructure, a component to help farmers by improving the use of animal traction, and a component to establish a soil-sciences laboratory.

INTER-PARLIAMENTARY UNION

[Original: English]

[14 June 1990]

1. The Inter-Parliamentary Union has long been committed to providing assistance to colonial peoples in the world in achieving self-determination and independence. In the process, it has made all possible efforts to ensure the support of Parliaments, Governments and international organizations. Its continuous action in this field has placed it at the forefront of the struggle of the international community to achieve the universal realization of the right of peoples to decide their own destiny.

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English
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2. The Inter-Parliamentary Union will pursue its work by addressing the question of elimination of colonialism and its consequences at its 84th Inter-Parliamentary Conference, to be held in October 1990 in Punta del Este, Uruguay.



General Assembly

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14 September 1990

ORIGINAL: ENGLISH

Forty-fifth session
Item 7 of the provisional agenda*

NOTIFICATION BY THE SECRETARY-GENERAL UNDER ARTICLE 12,
PARAGRAPH 2, OF THE CHARTER OF THE UNITED NATIONS

Note by the Secretary-General

1. In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Security Council, the Secretary-General has the honour to notify the General Assembly of matters relative to the maintenance of international peace and security that are being dealt with by the Security Council and of matters with which the Council has ceased to deal.

2. The matters relative to the maintenance of international peace and security that have been discussed during the period since the notification to the forty-fourth session of the General Assembly (A/44/528 and Add.1) are as follows:

1. The situation in the Middle East (S/7902).
2. The situation between Iran and Iraq (S/14198).
3. The situation in Namibia (S/8355 and Add.1-2).
4. The situation in the occupied Arab territories (S/12066).
5. Central America: efforts towards peace.
6. Letter dated 27 November 1989 from the Permanent Representative of El Salvador to the United Nations addressed to the President of the Security Council (S/20991).

Letter dated 28 November 1989 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council (S/20999).

* A/45/150 and Corr.1.

7. The situation in Cyprus (S/11334).
8. The situation in Panama (S/21034).
9. The situation relating to Afghanistan.
10. Letter dated 3 January 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council (S/21066).

The Council concluded its consideration of this item on 17 January 1990.

11. Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (S/21120).
 12. United Nations peace-keeping operations.
 13. The situation concerning Western Sahara (S/11851).
 14. The situation between Iraq and Kuwait (S/21423, S/21424).
3. During the same period, the Security Council has not discussed the following matters of which it remains seized:
1. Special agreements under Article 43 of the Charter and the organization of the armed forces to be made available to the Security Council.
 2. The general regulation and reduction of armaments and information on the armed forces of the United Nations.
 3. The Egyptian question (S/410).
 4. The Palestine question.
 5. The India-Pakistan question (S/628).
 6. The Czechoslovak question (S/694).
 7. The Hyderabad question (S/986).
 8. Identical notifications dated 29 September 1948 from the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the Secretary-General (S/1020 and Add.1).
 9. International control of atomic energy.
 10. Complaint of armed invasion of Taiwan (Formosa) (S/1715).

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16. Letter dated 8 September 1954 from the representative of the United States of America addressed to the President of the Security Council (S/3287).
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26. Letter dated 25 March 1960 from the representatives of Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, the Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, the Philippines, Saudi Arabia, the Sudan, Thailand, Tunisia, Turkey, the United Arab Republic and Yemen addressed to the President of the Security Council (S/4279 and Add.1).
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31. Letter dated 31 December 1960 addressed to the President of the Security Council by the Minister for External Affairs of Cuba (S/4605).
32. Letter dated 26 May 1961 addressed to the President of the Security Council by the representatives of Afghanistan, Burma, Cambodia, Cameroon, the Central African Republic, Ceylon, Chad, the Congo (Brazzaville), the Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, the Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, the Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Pakistan, the Philippines, Saudi Arabia, Senegal, Somalia, the Sudan, Togo, Tunisia, the United Arab Republic, the Upper Volta, Yemen and Yugoslavia (S/4816).
33. Complaint by Kuwait of respect of the situation arising from the threat by Iraq to the territorial independence of Kuwait, which is likely to endanger the maintenance of international peace and security. Complaint by the Government of the Republic of Iraq in respect of the situation arising out of the armed threat by the United Kingdom to the independence and security of Iraq, which is likely to endanger the maintenance of international peace and security (S/4844 and S/4847).
34. Letter dated 21 November 1961 from the Permanent Representative of Cuba addressed to the President of the Security Council (S/4992).

35. Letter dated 22 October 1962 from the Permanent Representative of the United States of America addressed to the President of the Security Council; letter dated 22 October 1962 from the Permanent Representative of Cuba addressed to the President of the Security Council; letter dated 23 October 1962 from the Deputy Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/5181, S/5183 and S/5186).
36. Telegram dated 5 May 1963 from the Minister for Foreign Affairs of the Republic of Haiti to the President of the Security Council (S/5302).
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41. Letter dated 1 April 1964 from the Deputy Permanent Representative of Yemen, Chargé d'affaires a.i., addressed to the President of the Security Council (S/5635).
42. Complaint concerning acts of aggression against the territory and civilian population of Cambodia (S/5666).
43. Letter dated 4 August 1964 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/5849).
44. Letter dated 5 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council and letter dated 8 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council (S/5934 and S/5941).
45. Letter dated 6 September 1964 from the Permanent Representative of Turkey addressed to the President of the Security Council (S/5935).
46. Letter dated 1 December 1964 addressed to the President of the Security Council from the representatives of Afghanistan, Algeria, Burundi, Cambodia, the Central African Republic, the Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, the Sudan, Tanzania, Uganda, the United Arab Republic, Yugoslavia and Zambia (S/6076 and Add.1-5).

47. Letter dated 9 December 1964 from the Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council (S/6096).
48. Letter dated 1 May 1965 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/6316).
49. Letter dated 31 January 1966 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/7105).
50. Letter dated 2 August 1966 from the Deputy Permanent Representative of the United Kingdom addressed to the President of the Security Council (S/7442).
51. Letter dated 25 January 1968 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/8360).
52. Letter dated 21 May 1968 from the Permanent Representative a.i. of Haiti addressed to the President of the Security Council (S/8593).
53. Letter dated 12 June 1968 from the Permanent Representatives of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Security Council (S/8630).
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75. Complaint by Greece against Turkey (S/12167).
76. Complaint by Lesotho against South Africa (S/12257).
77. Complaint by Benin (S/12278).
78. The question of South Africa (S/12295).
79. Complaint by Angola against South Africa (S/12690).

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80. Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea to the President of the Security Council (S/13001).
81. The situation in South-East Asia and its implications for international peace and security [Letter dated 22 February 1979 from the representatives of Norway, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Security Council] (S/13111).
82. Letters dated 13 June 1979 and 15 June 1979 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/13394 and S/13397).
83. Letter dated 25 November 1979 from the Secretary-General addressed to the President of the Security Council (S/13646).
84. Letter dated 22 December 1979 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/13705).
85. Letter dated 3 January 1980 addressed to the President of the Security Council by the representatives of Australia, the Bahamas, Bahrain, Bangladesh, Belgium, Canada, Chile, China, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Germany, Federal Republic of, Greece, Haiti, Honduras, Iceland, Indonesia, Italy, Japan, Liberia, Luxembourg, Malaysia, the Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Papua New Guinea, the Philippines, Portugal, Saint Lucia, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Suriname, Sweden, Thailand, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela (S/13724 and Add.1 and 2).
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95. Letter dated 22 March 1983 from the representative of Nicaragua on the Security Council addressed to the President of the Security Council (S/15651).
96. Letter dated 5 May 1983 from the representative of Nicaragua on the Security Council addressed to the President of the Security Council (S/15746).
97. Letter dated 2 August 1983 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/15902).
98. Letter dated 8 August 1983 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/15914).
99. Letter dated 1 September 1983 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/15947).

Letter dated 1 September 1983 from the Permanent Observer for the Republic of Korea to the United Nations addressed to the President of the Security Council (S/15948).

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Letter dated 2 September 1983 from the Acting Permanent Representative of Australia to the United Nations addressed to the President of the Security Council (S/15951).

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100. Letter dated 12 September 1983 from the representative of Nicaragua on the Security Council addressed to the President of the Security Council (S/15975).
101. The situation in Grenada (S/16067).
102. Letter dated 3 February 1984 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council (S/16306).
103. Letter dated 18 March 1984 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/16420).
104. Letter dated 22 March 1984 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/16431).
105. Letter dated 29 March 1984 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council (S/16449).
106. Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates addressed to the President of the Security Council (S/16574).
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108. Letter dated 3 October 1984 from the Permanent Representative of the Lao People's Democratic Republic to the United Nations addressed to the President of the Security Council (S/16765).
109. Letter dated 9 November 1984 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council (S/16825).
110. Letter dated 28 January 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Chad to the United Nations addressed to the President of the Security Council (S/16911).
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112. Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council (S/17279).

113. Letter dated 26 September 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council (S/17497).
114. Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/17509).
115. Letter dated 6 December 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council (S/17671).
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117. Letter dated 4 February 1986 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/17787).
118. The situation in southern Africa (S/17770).
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120. Letter dated 12 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of Malta to the United Nations addressed to the President of the Security Council (S/17982).
121. Letter dated 15 April 1986 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council (S/17991).

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122. Letter dated 27 June 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council (S/18187).
123. Letter dated 22 July 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council (S/18230).
124. Letter dated 17 October 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council (S/18415).
125. Letter dated 13 November 1986 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/18456).
126. Letter dated 9 December 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council (S/18513).
127. Letter dated 10 February 1988 from the Permanent Observer of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/19488).

Letter dated 10 February 1988 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/19489).
128. Letter dated 11 March 1988 from the Permanent Representative of Argentina to the United Nations addressed to the President of the Security Council (S/19604).
129. Letter dated 17 March 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council (S/19638).
130. Letter dated 19 April 1988 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/19798).
131. Letter dated 17 December 1988 from the Permanent Representative of Angola to the United Nations addressed to the Secretary-General (S/20336).

Letter dated 17 December 1988 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General (S/20337).

132. Letter dated 4 January 1989 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya addressed to the President of the Security Council (S/20364).

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133. Letter dated 25 April 1989 from the Permanent Representative of Panama to the United Nations addressed to the President of the Security Council (S/20606).
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COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS

ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF UNITED NATIONS PEACE-KEEPING OPERATIONS

Use of civilian personnel in peace-keeping operations

Report of the Secretary-General

I. INTRODUCTION

1. The present report has been prepared in pursuance of paragraph 4 of General Assembly resolution 44/49 of 8 December 1989, in which the Assembly requested the Secretary-General to undertake a study to identify those tasks and services which could be performed by civilian personnel in peace-keeping operations and to inform the Special Committee on Peace-keeping Operations of the conclusions of that study as soon as possible, taking into account the study requested by the Assembly in its resolution 43/230 of 21 December 1988. (For that study, see A/44/605, sect. IV.) The present report also addresses some of the administrative procedures and the terms and conditions that will cover participation of civilian personnel in United Nations peace-keeping operations, as requested in paragraphs 3 and 8 of General Assembly resolution 44/192 A of 21 December 1989.

2. It should be stressed at the outset that certain civilian functions, tasks and services in a peace-keeping operation can only be performed by United Nations staff members. When peace-keeping operations are set up, the Security Council and the General Assembly entrust to the Secretary-General overall responsibility and authority in all operational and administrative areas. This overall responsibility

* A/45/150 and Corr.1.

and authority cannot be delegated to non-United Nations personnel. As a result the core civilian functions of a peace-keeping operation, including the political direction and the administration of an operation in the field in all its facets, must be performed by United Nations staff members. The United Nations approach to peace-keeping has evolved over the years as a result of experience gained in dealing with a broad range of conditions; this approach also reflects those internal rules, regulations, instructions, procedures and precedents of the Organization which can best be applied or administered by experienced United Nations staff. The extent to which civilian personnel provided by Governments can be asked to perform core political or administrative functions within a peace-keeping operation is thus severely limited. In exceptional cases Governments may nevertheless be asked to make available, e.g. through secondment, individuals for short-term recruitment to posts in the political, legal and information staff, where they serve as United Nations staff members. In general, however, these posts are usually better filled by existing staff who are familiar with the practices and procedures of the United Nations.

3. The main question addressed in the present report is how far functions that have traditionally been performed by United Nations staff or by military personnel could instead be performed by civilian personnel who would not be staff members but would be provided by Governments to the Secretary-General, at his request, for that purpose. In addition the report discusses briefly:

(a) Other groups of civilian personnel that can be provided by Governments to the Secretary-General, at his request, to perform certain functions for which military personnel would not be appropriate;

(b) Civilian employees of commercial contractors who can be engaged by the Secretary-General, in certain circumstances, to perform functions that it would be less cost-effective to entrust to military personnel or United Nations staff members.

II. TASKS AND SERVICES THAT COULD BE PERFORMED BY CIVILIAN PERSONNEL IN SUBSTITUTION FOR MILITARY PERSONNEL

4. In his earlier report (A/44/605, sect. IV) the Secretary-General outlined a number of tasks and services that could be performed by civilian personnel provided by Governments. In fact, almost any of the normal logistics, technical and supply-support functions required in peace-keeping operations could be performed by civilian personnel, whether provided by Governments or through commercial contractual arrangements, if the Secretary-General, taking into account the operational and political circumstances of the mission and the relative costs of civilian and military personnel, judges that this is the most cost-effective way of meeting the mission's requirements. Such civilian personnel would substitute for the military personnel or for United Nations staff who have previously performed the functions involved.

5. The tasks and services that could be performed by either military or civilian personnel (see also A/44/605, para. 29) include the following:

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- (a) Medical services, including hospitals and clinics;
- (b) Operation and maintenance of fixed-wing aircraft and helicopters;
- (c) Operation and maintenance of truck and bus transport;
- (d) Catering and mess services;
- (e) Construction of major camp infrastructure;
- (f) Camp operation and maintenance;
- (g) Installation and support of communications systems;
- (h) Plant engineering and construction services for projects, such as:
 - (i) Water supply and storage systems;
 - (ii) Sewage treatment plants;
 - (iii) Electric power generation plant and reticulation systems;
 - (iv) Airfields and heliports;
 - (v) Roads and tracks;
 - (vi) Hard-surfacing;
- (i) Professional consulting services in civil engineering, electrical engineering, architecture etc.;
- (j) Services of highly qualified technicians, such as radio technicians, radio operators, riggers, electricians, generator mechanics, vehicle mechanics and heating and air conditioning technicians.

III. OTHER CIVILIAN PERSONNEL FUNCTIONS

A. United Nations civilian police

6. The designation "civilian personnel", in United Nations parlance, includes uniformed police. While it may be argued that police are technically uniformed personnel and not civilians, it has been considered useful to preserve the distinction between police serving in a non-military capacity and the more usual Military Police units found in United Nations peace-keeping operations. Both in Cyprus and in Namibia, police officers serving the United Nations in such a capacity have been considered civilians, as reflected in the use of the term "UNCIVPOL" for "United Nations civilian police".

7. Depending on the tasks to be performed, the United Nations may have need for civilian police personnel in the future, as operations become less exclusively military than has been usual in the past and assume a joint civilian-military character, as was the case in Namibia. It may be also that some of the tasks that have traditionally been carried out by military personnel could be performed by United Nations civilian police.

B. Election staff

8. The role of civilian personnel provided by Governments in the observation or supervision of elections assumed great importance in the work of the United Nations Transition Assistance Group (UNTAG) in Namibia as well as in Nicaragua, where the United Nations mounted a civilian operation, the United Nations Observer Mission to verify the electoral process in Nicaragua (ONUVEN). These election functions can be performed by United Nations staff members temporarily reassigned from their existing duties. However, in both Namibia and Nicaragua, it was not possible in practice to obtain all the necessary personnel from existing staff resources, and the Secretary-General accordingly asked Governments to provide the additional personnel required, drawing especially on officials who had had experience of running elections in their own countries.

C. Civilian contractors

9. Almost all the tasks and services discussed in this report, as well as other logistics functions required by a peace-keeping operation, could also be undertaken by civilian contractors. Indeed, the United Nations has in recent years made increasing use of civilian contractors. For instance, they provide or have recently provided fixed-wing air services to the United Nations Military Observer Group in India and Pakistan (UNMOGIP), the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP), the United Nations Iran-Iraq Military Observer Group (UNIIMOG) and UNTAG, helicopter air services to the United Nations Observer Group in Central America (ONUCA), vehicle maintenance to UNTAG and ONUCA and catering and bus transportation services to UNTAG. The United Nations experience to date has established that, provided the operational conditions are suitable, the use of civilian contractors can be a satisfactory and cost-effective way of providing certain types of services to peace-keeping operations. In the past a number of these types of services would have been provided almost exclusively by military personnel.

10. In its report on the financing of ONUCA (A/44/246/Add.2), the Advisory Committee on Administrative and Budgetary Questions noted that the procedure of obtaining certain logistics and supply-support elements from Governments (e.g. fast patrol boats, fixed-wing aircraft, helicopters) constituted exceptions to the normal procurement practice of the United Nations, although this was in response to special circumstances. The Advisory Committee suggested that in obtaining supplies and services from Member States on a reimbursable basis, the Secretary-General should give priority to offers made under conditions that are clearly advantageous to the United Nations. The Advisory Committee stated further that "in this

connection, the Secretary-General should also satisfy himself that the related valuation is advantageous to the United Nations" (*ibid.*, para. 23). The Secretary-General will proceed accordingly.

IV. TERMS AND CONDITIONS COVERING CIVILIAN PERSONNEL PROVIDED BY GOVERNMENTS

11. The procedures and basis for participation in a United Nations peace-keeping operation of persons provided by Governments, on terms corresponding to those by which military personnel (i.e. military observers, or troops in formed military units) are made available, are well established:

(a) In the case of military observers, the United Nations pays for all travel costs and provides a mission subsistence allowance (MSA) to meet the officer's living expenses while in the mission area. The officer is personally responsible for arranging his or her own accommodation and food. The officer's salary and allowances are paid by the contributing Government, which is not reimbursed by the United Nations. These and related conditions of service are normally spelled out for each mission in a document entitled "Notes for the guidance of military observers on appointment";

(b) In the case of troops (i.e. members of formed military units), contributing Governments are reimbursed at standard rates for troop costs, with a differential for specialists, and for usage of uniforms, personal weapons and ammunition. The United Nations bears the costs of deployment, rotation and redeployment of the troops and equipment. Troops constituting a formed military unit are normally provided with accommodation and rations by the United Nations, although occasionally, in the case of small or isolated units, it is more practical or more economical for the Organization to pay a mission subsistence allowance to each individual rather than try to provide full accommodation, food and facilities.

12. Civilian personnel provided by Governments would have no contractual relationship with the United Nations. They would be placed at the disposal of, and under the authority of, the Secretary-General, following a formal request to their Government. The latter would provide the personnel either as a voluntary contribution or on the terms described in paragraph 14 below. Unless they were subject to special arrangements under a separate status agreement for a particular operation, such civilian personnel would assume the status of Experts on Mission for the United Nations in terms of article VI of the Convention on the Privileges and Immunities of the United Nations (General Assembly resolution 22 A (I)). They would be issued a United Nations Certificate as formal documentation of their status.

13. Civilian personnel provided by Governments would be assimilated into the command and control structure of the peace-keeping operation and would be shown in its organization chart in the same manner as the military personnel or United Nations staff members who would otherwise be performing the functions in question.

14. It is proposed that, as a general rule, civilian personnel (including civilian police) provided by Governments should be treated in the same manner as military personnel, i.e. along the lines described in paragraph 11 above. Individuals or small groups of civilians would thus receive their travel costs and a daily subsistence allowance (DSA) from the United Nations; their basic salary and any allowances paid by the contributing Government would not be reimbursed by the United Nations. For larger groups of civilian personnel provided as formed units (e.g. medical units, maintenance units etc.), contributing Governments would be reimbursed at the standard rates for troop costs, with a differential for specialists as appropriate.

15. It is expected that the standard social security benefits to which civilian personnel provided by Governments would be entitled in their home countries, such as sickness/medical insurance or pension/benevolent fund accruals, would continue to be met by the Government during any period of United Nations service. The United Nations would meet in-area medical expenses, the cost of routine dental treatment or accidental dental damage. Civilian personnel provided by Governments would be entitled to take United Nations leave while in the mission area, with payment of full MSA (where appropriate) at the rate of one and one half days for each completed month of service.

16. Although the civilian personnel concerned would have no contractual relationship with the United Nations, the Organization would recognize claims for compensation for death, disability and illness attributable to service with the United Nations. It is proposed that the arrangements governing the payment of such compensation should be the same as those applying to military observers. The maximum entitlement to compensation for death, injury or illness, determined by the Secretary-General to be attributable to the performance of official duties on behalf of the United Nations, would be the amount of \$US 20,000, or twice the civilian's basic annual salary, less allowances, whichever is the greater. The maximum compensation would be awarded by the Secretary-General in the event of death or total disability. A proportionate amount would be awarded in cases of partial disability. No compensation would be awarded when such death, injury or illness has been occasioned by (a) wilful misconduct or (b) wilful intent to bring about the death, injury or illness of the person or some other. The compensation payable under these provisions would be the sole compensation payable by the United Nations in respect of death, injury or illness. Payment would be made to the Government in all instances.

17. The contributing Government would be expected to furnish each person with appropriate travel documents. For its part the United Nations would arrange travel to and from the mission area and pay for accompanied and unaccompanied shipment of personal luggage in accordance with the normal entitlements for equivalent tours of duty at the particular mission.

V. CONCLUSION

18. It will be evident from the present report that civilian personnel have an important role to play in United Nations peace-keeping operations. Any such operation must include civilian staff members of the Secretariat to perform essential political, legal, information and administrative functions. There are many other tasks and services that can be performed by civilian personnel, some of which can also be performed by military personnel. In each case a decision has to be made by the Secretary-General as to whether civilian or military personnel are more appropriate and, if civilian, whether they should come from staff members of the Secretariat, from civilian personnel whom he would request from Governments, from civilian contractors or from a mixture of two or more of these sources. It is not possible to lay down hard and fast rules for such decisions; each has to be taken by the Secretary-General in the light of a variety of operational, political, security and cost factors.
